

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

## DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

The following facts constitute the emergency:

1. Assembly Bill 429 (Chapter 111, Statutes of 2001) trailer bill was signed into law on July 26, 2001. A provision of this law amended Section 18930(b)(4) of the Welfare and Institutions Code. The amendment called for the repeal of the sunset date of September 30, 2001, that allowed eligibility to the California Food Assistance Program for certain legal noncitizens that entered the United States on or after August 22, 1996. By repealing the September 30, 2001 date, these legal noncitizens will remain eligible indefinitely.
2. In order to make the necessary statutory changes to implement the Budget Act of 2001 at the earliest time, it is necessary that this act take effect immediately.
3. The nonemergency rulemaking process, as defined in the Administrative Procedures Act, would not allow these regulations to be implemented by the earliest possible implementation date.
4. A delay in the implementation of these regulations may put CDSS at risk of legal action which could be brought about by individuals who have not been granted benefits due to the lack of implementing these regulations.

## INFORMATIVE DIGEST

Assembly Bill 429 (Chapter 111, Statutes of 2001) trailer bill was signed into law on July 26, 2001. A provision of this law amended Section 18930(b)(4) of the Welfare and Institutions Code. The amendment called for the repeal of the sunset date of September 30, 2001, that allowed eligibility to the California Food Assistance Program (CFAP) for certain legal noncitizens that entered the United States on or after August 22, 1996. By repealing the September 30, 2001 date, these legal noncitizens will remain eligible indefinitely. The current state regulations erroneously reflect a sunset date of September 30, 2000. This is due to an oversight from the last regulatory changes. Additionally, all legal noncitizens who would otherwise be eligible for federal benefits are now eligible for CFAP benefits. Therefore, the section of regulations containing federal eligibility criteria is not necessary in this section, and is being repealed.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$6,776,000 in the current State Fiscal Year. It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources. Funding for the current year was included in the November 2001 Subvention.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program. Local government does not share in the funding of this program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 18904. Subject regulations implement and make specific Welfare and Institutions Code Section 18930(b)(4).